



Control Number: 50664



Item Number: 203

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# *Public Utility Commission of Texas*

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## **Commissioner Memorandum**

2020 JUL 15 AM 10:55

**TO:** Commissioner Arthur C. D'Andrea  
Commissioner Shelly Botkin

**FROM:** Chairman DeAnn T. Walker *DTW*

**DATE:** July 15, 2020

**RE:** Open Meeting of July 16, 2020 – Agenda Item No. 21  
Project No. 50664 – *Issues Related to the State of Disaster for Coronavirus Disease 2019*

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Since the last open meeting, I have considered the issues related to this matter. I propose adopting the attached orders.

I propose adopting an order in which the Commission grants an exception to 16 Texas Administrative Code (TAC) § 25.29(b)(1), which allows an electric utility to disconnect electric service of a residential customer for nonpayment. A proposed fourth order is attached as Attachment A.

In addition, as discussed at the last open meeting, I recommend that the Commission modify the COVID-19 Electricity Relief Program and the previous orders establishing the program to extend the program to August 31, 2020. I recommend that the Commission adopt the attached proposed third order in Attachment B.

Lastly, at a previous open meeting, the Commission discussed potential changes to the order issued on March 16, 2020 suspending certain procedural rules. I believe that the abilities of the Commission and regulated entities to operate under the limitations resulting under the state of disaster and to meet the filing deadlines has improved and suspension of filing deadlines is no longer required. However, I believe that the need to continue electronic filings for non-confidential matters remains. Accordingly, I recommend that the Commission revoke its previous order issued on March 16, 2020 and issue the order in Attachment C.

I look forward to discussing this with you at the open meeting.

**Attachment A**

**Proposed Fourth Order Directing Certain Actions and  
Granting Exceptions to Certain Rules**

**PROJECT NO. 50664**

<b>ISSUES RELATED TO THE STATE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DISASTER FOR THE CORONAVIRUS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DISEASE 2019</b>	<b>§</b>	

**PROPOSED FOURTH ORDER DIRECTING CERTAIN ACTIONS AND  
GRANTING EXCEPTIONS TO CERTAIN RULES**

On March 13, 2020, in response to the growing threat of the coronavirus disease (COVID-19), Governor Greg Abbott issued a Declaration of State of Disaster for all counties in Texas. In each subsequent month, and most recently on July 10, 2020, Governor Abbott has renewed the disaster declaration for all Texas counties.

On March 26, 2020, April 17, 2020, and May 14, 2020 in accordance with 16 Texas Administrative Code (TAC) §§ 25.480(j)(1)(B) and 25.498(i)(1)(B), the Commission directed all retail electric providers to offer a deferred payment plan to customers, upon request. Through this Order, the Commission renews this directive to all retail electric providers.

Furthermore, on March 26, 2020, April 17, 2020, and May 14, 2020, under the authority found in 16 TAC § 22.5(a), the Commission found that there existed a public emergency and imperative public necessity that constitutes good cause for granting exceptions to certain rules. Good cause continues to exist for the below referenced rules, and the Commission through this Order renews the exception to the following rules until August 31, 2020 to the extent that these rules apply to residential customers:

- Electric Rules
  - 16 TAC § 25.29(b)(1), which allows an electric utility to disconnect electric service of a residential customer for nonpayment.

These exceptions will best serve the public interest and will not prejudice the rights of any party.

Accordingly, the following is ordered:

1. All retail electric providers must continue to offer a deferred payment plan to customers, upon request, until further order of the Commission.
2. Until August 31, 2020, exceptions are granted to the following electric rule to the extent that the rule applies to residential customers: 16 TAC § 25.29(b)(1), which allows an electric utility to disconnect electric service of a residential customer for nonpayment.

**Signed at Austin, Texas the 16<sup>th</sup> day of July 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**DEANN T. WALKER, CHAIRMAN**

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**ARTHUR C. D'ANDREA, COMMISSIONER**

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**SHELLY BOTKIN, COMMISSIONER**

**Attachment B**

**Proposed Third Order Implementing  
COVID-19 Electricity Relief Program**

**PROJECT NO. 50664**

<b>ISSUES RELATED TO THE STATE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DISASTER FOR THE CORONAVIRUS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DISEASE 2019</b>	<b>§</b>	

**PROPOSED THIRD ORDER  
RELATED TO COVID-19 ELECTRICITY RELIEF PROGRAM**

On March 13, 2020, in response to the growing threat of the coronavirus disease (COVID-19), Governor Greg Abbott issued a Declaration of State of Disaster for all counties in Texas. In each subsequent month, and most recently on July 10, 2020, Governor Abbott has renewed the disaster declaration for all Texas counties.

On March 26, 2020, the Commission issued an order addressing the effects of COVID-19 for electric services provided in the areas of the state of Texas that are open to customer choice and established the COVID-19 Electricity Relief Program. On April 17, 2020, the Commission issued a second order addressing this subject, finding that the need for the Program continued to exist and making clarifying modifications to the Program. Among the modifications, the order stated that the Program would end on July 17, 2020, unless extended by the Commission.

Through this Order, the Commission extends the Program until August 31, 2020. The COVID-19 Electricity Relief Program as attached to the previous order filed on April 17, 2020 is adopted and incorporated into and made a part of this order. The Commission issues this Order under its statutory authority to regulate public utilities, to regulate the provision of wholesale and retail electric service, to provide protections to retail customers of electric service, and to oversee the Electric Reliability Council of Texas, Inc. (ERCOT) as the independent organization.

Each transmission and distribution utility (TDU) in the ERCOT region has already filed a tariff rider to implement the terms of the COVID-19 Electricity Relief Program. The terms *transmission and distribution utility* and *TDU* in this Order or in the COVID-19 Electricity Relief Program does not include a river authority. ERCOT has already provided the initial contribution to the TDUs for the COVID-19 Electricity Relief Program.

Consistent with the above discussion, the Commission orders the following:

1. The COVID-19 Electricity Relief Program is extended until August 31, 2020.
2. Solix must not accept applications for the Program after August 31, 2020.
3. Each TDU, retail electric provider, and ERCOT must continue to comply with all applicable provisions of the Program as modified by the Commission's second order issued on April 17, 2020 and this Order.
4. The Commission may supplement and modify the Program or the requirements of this Order by a subsequent order.
5. On or before December 1, 2020, each TDU and REP must file a final Program report on a form approved by the Commission in Project No. 50703, *Reports on the COVID-19 Electricity Relief Program*.
6. Seven days before the date on which a TDU estimates that its revenues under the Rider ERP are equal to, or approximately equal to, its Program expenses, the TDU must make a filing to that effect. The filing must include a tariff rider cancellation bearing a date certain for the rider cancellation and the rider will automatically terminate on that date certain without further action by the TDU, the Commission, or Commission Staff. Concurrently with this filing, the TDU must notify REPs of the rider cancellation date by an ERCOT market notice.
7. The Commission will audit and reconcile Program reimbursements and collections.
8. Each TDU may book a regulatory asset or regulatory liability, as applicable, for any final under- or over-collection of expenses incurred in connection with the Program. Each TDU may seek recovery of any regulatory asset related to the Program in the TDU's next distribution cost recovery factor case or its next base-rate case.



Signed at Austin, Texas the 16th day of July 2020.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**DEANN T. WALKER, CHAIRMAN**

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**ARTHUR C. D'ANDREA, COMMISSIONER**

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**SHELLY BOTKIN, COMMISSIONER**

## **Attachment C**

### **Second Order Suspending Rules**

**PROJECT NO. 50664**

<b>ISSUES RELATED TO THE STATE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DISASTER FOR THE CORONAVIRUS</b>	<b>§</b>	
<b>DISEASE 2019</b>	<b>§</b>	<b>OF TEXAS</b>

**SECOND ORDER SUSPENDING RULES**

On March 13, 2020, in response to the growing threat of the coronavirus disease (COVID-19), Governor Greg Abbott issued a Declaration of State of Disaster for all counties in Texas. In each subsequent month, and most recently on July 10, 2020, Governor Abbott has renewed the disaster declaration for all Texas counties.

On March 16, 2020, the Commission issued an order under the authority found in 16 Texas Administrative Code (TAC) § 22.5(a) finding that there existed a public emergency and imperative public necessity for suspending certain rules. The abilities of the Commission and regulated entities to operate under the limitations resulting under this state of disaster and to meet the filing deadlines has improved and suspension of filing deadlines is no longer required. However, the need to continue electronic filings for non-confidential matters remains. Accordingly, the Commission revokes its previous order issued on March 16, 2020 and suspends the following rules:

Any provision in chapters 22, 24, 25, and 26 of title 16 of the Texas Administrative Code requiring that pleadings and documents in any Commission proceeding be physically filed with the Commission, and any rule that specifies the form or manner of such physical filings or requires that pleadings or documents be served on any party by a method other than email. This provision does not apply to confidential filings.

Such suspension will best serve the public interest and will not prejudice the rights of any party.

Accordingly, it is ordered that, until modified by a subsequent Commission order, in any Commission proceeding that has been assigned a docket number, tariff number, or project number, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or

document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

It is further ordered that confidential filings must comply with the requirements of 16 Texas Administrative Code §§ 22.71 and 22.72 but must be delivered to the Commission through the United States mail or a commercial carrier, such as FedEx or UPS.

**Signed at Austin, Texas the 16<sup>th</sup> day of July 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**DEANN T. WALKER, CHAIRMAN**

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**ARTHUR C. D'ANDREA, COMMISSIONER**

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**SHELLY BOTKIN, COMMISSIONER**